



Douglas A. Ducey,
Governor

Arizona State Board of
Podiatry Examiners
“Protecting the Public’s Health”

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OPEN SESSION MINUTES

October 21, 2020

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:30 a.m. on Wednesday, October 21, 2020, at 1740 West Adams St., Boardroom C, Phoenix, Arizona 85007. No Executive Sessions were held.

BOARD MEMBERS PRESENT:

- Barbara Campbell, DPM..... Board President and Practitioner Member
- John Rhodes Secretary and Public Member
- Albert Eulano, DPM. Practitioner Member
- Mark Forman, DPM.....Practitioner Member
- Vacancy.....Public Member

STAFF AND ASSISTANT ATTORNEY GENERAL PRESENT:

- Heather Broaddus..... Executive Director
- Seamus Monaghan, Esq.....Assistant Attorney General

GUEST(S) PRESENT AND/OR PARTICIPATING

- Mark Rosales, DPM.....Licensee
- Todd Lamster, DPM.....Licensee
- Kenneth Moskow, Esq.....Attorney
- A.M.....Complainant
- C.M.....Complainant
- Dedrie Polakof, DPM.....Investigator
- Jerome Cohn, DPM.....Investigator
- Appeared telephonically

OPEN SESSION

Dr. Campbell called the meeting to order at 8:30 a.m. The Board considered the following order of business.

DECLARATION OF CONFLICTS OF INTEREST – A.R.S. § 38-503

There were no declarations of conflicts of interest.

The Americans with Disabilities Act: Persons with disabilities may request reasonable accommodations, such as sign language interpreters. Requests should be made as early as possible to allow time to arrange the accommodation. This document is available in alternative format upon request.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigations

20-11-C; Mark Rosales, DPM

The Board’s Investigator, Dr. Saunders was present telephonically and provided a summary to the Board.

The Complainant was not present. Dr. Rosales and his attorney, Kenneth Moskow, Esq., were present telephonically, requested to speak, made statements and answered Board members’ questions. Mr. Moskow stated that Dr. Rosales has acknowledged the billing error and provided a refund to the Complainant. Board members asked Dr. Rosales regarding his use of billing code 99214 as his chart documentation does not justify the use of billing code 99214. Dr. Rosales stated that he used the 99214 code because the Complainant was there for a preoperative visit. Dr. Rosales explained that during a preoperative visit he conducts a full history and physical, reviews the consent form, reviews the postoperative care instructions and reviews the entire chart with the patient. Dr. Rosales acknowledged that his chart documentation is not up to current standards. Board members’ asked if Dr. Rosales documents which drug and how much of the drug is injected into the patient. Dr. Rosales said he only documents the drug name. Board members deliberated and acknowledged that Dr. Rosales has implemented new billing policies since this Complaint. Board members expressed concern with Dr. Rosales’ documentation and use of billing codes, including, but not limited to, billing code 99214. After deliberation, Dr. Campbell made a motion, seconded by Mr. Rhodes, to issue Dr. Rosales a non-disciplinary Order for continuing education. Dr. Rosales shall complete three hours of continuing education in billing/coding practices and three hours of continuing education in medical record documentation. The continuing education is in addition to the required continuing education for license renewal. The continuing education shall be Board approved and completed within six months. The continuing education may be completed electronically. The motion carried unanimously, 4-0 on a roll call vote.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

20-12-C; Mark Rosales, DPM

The Board’s Investigator, Dr. Saunders was present telephonically and provided a summary to the Board.

The Complainant, A.M., was present telephonically, requested to speak, made a statement and answered Board members' questions. Board members' asked A.M. if Dr. Rosales required her to bear weight on her foot. A.M. answered.

Dr. Rosales and his attorney, Kenneth Moskow, Esq., were present telephonically, requested to speak, made statements and answered Board members' questions. Mr. Moskow stated that there is no dispute that Dr. Rosales could not take x-rays because A.M. refused to take of her boot. Dr. Rosales reviewed the timeline and interaction during the Complainant's office visit. Dr. Rosales and Mr. Moskow stated that the Complainant was billed for the visit. Board members deliberated and expressed concern with Dr. Rosales' chart documentation. After deliberation, Mr. Rhodes made a motion, seconded by Dr. Eulano, to issue Dr. Rosales a Letter of Concern for his improper use of CPT Billing codes including, but not limited to, code number 99203 without accompanying chart notes to justify the code. The motion carried unanimously, 4-0 on a roll call vote.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

20-14-C; Todd Lamster, DPM

The Board's Investigator, Dr. Polakof was present telephonically and provided a summary to the Board.

The Complainant, C.M., was present, requested to speak, made a statement and answered Board members' questions. C.M. provided a timeline of his treatment while under the care of Dr. Lamster. C.M. expressed concern that Dr. Lamster did not order an MRI sooner during the course of treatment.

Dr. Lamster and his attorney, Kenneth Moskow, Esq., were present telephonically, requested to speak, made a statement and answered Board members' questions. Dr. Lamster provided a timeline of Complainant's treatment. After deliberation, Dr. Campbell made a motion, seconded by Mr. Rhodes, to dismiss Complaint No. 20-14-C; Todd Lamster, DPM, as there were no violations of statue or rule. The motion carried unanimously on a roll call vote, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

Discussion and approval of the Open Session Minutes from the September 9, 2020, Board meeting

After review, Dr. Campbell made a motion, seconded by Dr. Eulano, to approve the September 9, 2020, Open Session Minutes as drafted. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

Discussion and approval of the Executive Session Minutes from the September 9, 2020, Board meeting

Dr. Campbell made a motion, seconded by Dr. Forman, to approve the September 9, 2020, Executive Session Minutes as drafted. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Issuance of Licenses

1. Pfau, Zeno, DPM

Upon review of Dr. Pfau’s application, the Board noted that his application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Mr. Rhodes, to approve Dr. Pfau’s application upon payment of the license issuance fee. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					

Absent					
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Application(s) for Registration to Dispense Drugs/Devices

1. Bangart, Ryan, DPM

Upon review of Dr. Bangart’s application, the Board noted that his application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Bangart’s application. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

Compliance Update

Patrick Farrell, DPM

Ms. Broaddus provided a summary stating that Dr. Farrell provided an update as to which months he performed a nerve decompression procedure in 2020. Additionally, Ms. Broaddus stated that Dr. Farrell conducted one nerve decompression surgery in August 2020 and the chart was sent to Dr. Polakof for review. The Board took no action on this item.

Retention Schedule

Ms. Broaddus provided a summary stating that the Board’s retention schedule is outdated. Ms. Broaddus provided the Board a revised retention schedule based on other Board’s retention schedules. After review, Dr. Forman made a motion, seconded by Mr. Rhodes, to approve the revised retention schedule as drafted. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

EXECUTIVE DIRECTOR’S REPORT

Ms. Broaddus provided an update on digitization.

Ms. Broaddus provided an update of the Complaint log.

SUMMARY OF CURRENT EVENTS

There were no current events.

CALL TO THE PUBLIC

There was no call to the public.

DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

Dr. Campbell requested that an item be placed on a future agenda regarding billing code changes that will become effective in January 2021.

NEXT BOARD MEETING DATE

Tuesday, November 17, 2020 at 8:30 a.m.

ADJOURNMENT

A motion was made by Dr. Campbell, seconded by Dr. Forman, and passed unanimously, 4-0, to adjourn the meeting at 10:17 a.m.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					